

REMARKS

Applicants have amended claims 1, 5, 7, and 11 to 13, and have canceled claims 4 and 10. Accordingly, claims 1, 3, 5 to 8, and 11 to 13 are presently pending in this patent application. Applicants now address each and every point raised by the Examiner in the above-identified Office action as follows:

I. Claim Objections

Claim 1 was objected to for noted informalities. Applicants have amended claim 1 to address this noted informality, and respectfully request that the objection to claim 1 be reconsidered and withdrawn.

II. Claim Rejections Under Section 112

Claim 12 has been rejected under 35 U.S.C. §112. Applicants have amended this claim to address the instance noted by the Examiner. In view thereof, Applicants respectfully request that the rejection of this claim under 35 U.S.C. §112 be reconsidered and withdrawn.

III. Claim Rejections Under Section 102

Claims 1 to 13 have been rejected under 35 U.S.C. §102 as being allegedly anticipated by Heffler. Initially, Applicants would like to thank the Examiner for the telephone interview of January 9, 2005, during which interview this rejection was discussed in detail. Applicants have now amended independent

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claims 1, 7, 12 and 13 to clarify that the invention includes a moving unison ring, e.g., a unison ring that moves within the turbocharger when it is activated by the actuator during turbocharger operation. Applicants have also amended these independent claims to clarify that the gear member attached to the unison ring is one attached by cooperative surface features, e.g., that is not an integral part of the unison ring.

Applicants submit that Hefler fails to disclose a turbocharger construction comprising these features. While Hefler does disclose a drive ring having a gear segment, the gear segment is an integral part of the drive ring. To be properly anticipating, a cited reference must disclose each and every feature recited in the challenged claim. Here, because Hefler fails to disclose the feature noted above, Applicants submit that the invention as recited in independent claims 1, 7, 12 and 13 are novel over Hefler. For this reason, Applicants respectfully request that the rejection of these independent claims, and the claims depending therefrom, under 35 U.S.C. §102 be reconsidered and withdrawn.

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IV. Request for Telephone Conference


Applicants respectfully request that the Examiner please call its undersigned representative should this Amendment, for any reason, fail to place this patent application in condition for allowance.

V. Conclusion

For the reasons presented above, Applicants respectfully request that the objection to the claims, and the rejections of the claims under 35 U.S.C. §112 and §102 be reconsidered and withdrawn, and that the claims pending in this patent application be passed to allowance.

Respectfully submitted,

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